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House Bill 5121 (Substitute H-1 as passed by the House)
House Bill 5122 (Substitute H-1 as passed by the House)
House Bill 5123 (Substitute H-1 as passed by the House)
House Bill 5124 (Substitute H-1 as passed by the House)
House Bill 5125 (Substitute H-1 as passed by the House)
Sponsor: Representative John Walsh (H.B. 5121)
Representative Joe Haveman (H.B. 5122)
Representative Kevin Cotter (H.B. 5123)
Representative Tom Leonard (H.B. 5124)
Representative Kurt Heise (H.B. 5125)

House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 2-10-14

CONTENT

The bills would amend the Revised Judicature Act (RJA) to eliminate circuit and district judgeships; authorize the addition of circuit and district judgeships; and authorize the consolidation of districts. As applicable, the bills indicate that if a district control unit approved a consolidation, the district control unit would voluntarily accept the resulting expenses and the consolidation would not affect the State's obligation to pay costs.

The revisions in judgeships proposed by the bills are reflected in [Table 1](#).

Table 1

Court	County	Bill	Change in Judgeships
3 rd Circuit	Wayne	5124 (H-1)	-4
6 th Circuit	Oakland	5122 (H-1)	+1
16 th Circuit	Macomb	5121 (H-1)	+2
17 th Circuit	Kent	5123 (H-1)	+1
63 rd District	Kent	5125 (H-1)	+1
70 th District	Saginaw	5125 (H-1)	-1

The proposed consolidations involve districts in Wayne County and in Genesee County.

House Bill 5121 (H-1)

The 16th Judicial Circuit consists of Macomb County and is authorized to have 13 judges, although it currently has 12 judges under a provision that temporarily eliminated one judgeship until noon on January 1, 2017.

Under the bill, subject to Section 550, the 16th Judicial Circuit could have one additional judge beginning January 1, 2017, and one additional judge beginning January 1, 2019. If

the new judgeship were added in 2019, the initial term of office of the judgeship would be eight years.

(Under Section 550, additional circuit judgeships may not be created unless approved by each county in the circuit.)

House Bill 5122 (H-1)

The Sixth Judicial Circuit consists of Oakland County and is authorized to have 19 judges, although it currently has 18 judges under a provision that temporarily eliminated one judgeship until noon on January 1, 2015.

Under the bill, subject to Section 550, the Sixth Judicial Circuit could have one additional judge beginning January 1, 2019.

House Bill 5123 (H-1)

Kent County Circuit Court

The 17th Judicial Circuit consists of Kent County and has 10 judges.

Under the bill, subject to Section 550, the 17th Circuit could have one additional judge beginning January 1, 2015.

District Court Consolidations

18th & 29th Districts. The 18th Judicial District consists of the City of Westland and has two judges. The 29th Judicial District consists of the City of Wayne and has one judge. Under the bill, if the governing bodies of Westland and Wayne approved by resolutions the consolidation of the 18th and 29th Districts before January 1, 2016, the 29th District would be abolished, and the 18th District would consist of the Cities of Wayne and Westland and have three judges, effective on that date.

The additional judgeship in the 18th District would have to be filled by the incumbent judge of the 29th District for the balance of his or her term. For purposes of the November 2018 general election only, the term of the candidate for district judge in the 18th District who received the most votes would be 10 years and the term of the candidate who received the second-most votes would be six years.

The city clerks of Wayne and Westland would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved. A resolution filed before January 2, 2015, would be a valid approval of the consolidation.

27th & 28th Districts. The 27th Judicial District consists of the Cities of Riverview and Wyandotte and has one judge. The 28th Judicial District consists of the City of Southgate and has one judge. Under the bill, if the governing bodies of Riverview, Southgate, and Wyandotte approved by resolutions the formation of the 26th District by the consolidation of the 27th and 28th Districts before January 1, 2016, the 26th District would be created by that consolidation. The 26th District would consist of the Cities of Riverview, Southgate, and Wyandotte and have two judges, effective on that date.

The judgeships in the 26th District would have to be filled by the individuals who were judges of the 27th and 28th Districts on December 31, 2015, and would serve as judges of the 26th Judicial District for the balance of their terms. The 27th and 28th Districts would cease to exist as separate districts.

The city clerks of Riverview, Southgate, and Wyandotte would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved. A resolution filed before January 2, 2015, would be a valid approval of the consolidation.

Option to Consolidate Districts. The bill specifies that, by proposing and authorizing the consolidation of the 18th and 29th Districts, and the 27th and 28th Districts, the Legislature would not create a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approved the consolidation, the approval would constitute an exercise of the unit's option to increase the level of activity and services offered in that district control unit beyond that required by existing law and a voluntary acceptance by that district control unit of all expenses and capital improvements that could result from the consolidation. The exercise of the option would not affect the State's obligation to pay the same portion of each judge's salary that is paid by the State to other district judges, or to appropriate and disburse funds to the district control unit for the necessary costs of State requirements established by law that became effective on or after December 23, 1978.

33rd District

The 33rd Judicial District consists of the Cities of Flat Rock, Gibraltar, Rockwood, Trenton, and Woodhaven and the Townships of Brownstown and Grosse Ile, and has three judges. The 33rd District will have two judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

Effective Date

All of the bill's proposed amendments, except regarding the Kent County circuit court, would take effect on January 2, 2015.

House Bill 5124 (H-1)

The Third Judicial Circuit consists of Wayne County and has 60 judges.

Under the bill, beginning at noon on January 1, 2015, the Third Circuit would have 56 judges.

House Bill 5125 (H-1)

63rd District

The 63rd Judicial District consists of Kent County, except for the Cities of Grand Rapids, Grandville, Kentwood, Walker, and Wyoming, and is divided into two election divisions, each of which has one judge.

Under the bill, beginning January 1, 2014, the 63rd District would consist of the same portion of Kent County, but would not have separate election divisions. Subject to Section 8175, the 63rd District could have one additional district judge beginning January 1, 2015. For purposes of the November 2014 general election, all of the following would apply:

- The term of the candidate for an existing district judgeship who received the most votes would be eight years.
- The term of the candidate for an existing district judgeship who received the second-most votes would be six years.
- If a new district judgeship were added, the term of the candidate for the new district judgeship who received the most votes would be four years.

(Under Section 8175, additional district judgeships may not be created unless approved by the local district control unit.)

Consolidation of the 67th & 68th Districts

The 67th Judicial District consists of Genesee County, except for the City of Flint. It is divided into four election divisions, with a total of six judges. The 68th Judicial District consists of the City of Flint and has five judges. The 68th District will have four judges beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge no longer seeks election or re-election.

The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

Under the bill, if the governing body of Genesee County, by a vote of two-thirds of the county commissioners, and the governing body of the City of Flint approved by resolutions the consolidation of the 67th and 68th Districts, beginning the first January 2 after the approval of both governing bodies, the 68th District would be abolished and the 67th District would consist of Genesee County. The consolidated district would be divided into the following election divisions with the indicated number of judges:

- The first division, consisting of the Cities of Clio and Flushing and the Townships of Flint, Flushing, Montrose, Thetford, and Vienna, with one judge.
- The second division, consisting of the Cities of Burton and Davison and the Townships of Atlas, Davison, Forest, and Richfield, with two judges.
- The third division, consisting of the City of Mt. Morris and the Townships of Genesee and Mt. Morris, with one judge.
- The fourth division, consisting of the Cities of Fenton, Grand Blanc, and Swartz Creek and the Townships of Argentine, Clayton, Fenton, Gaines, Grand Blanc, and Mundy, with two judges.
- The fifth division, consisting of the City of Flint, with judges as described below.

The incumbent judges of the 68th District would become judges of the proposed fifth division for the balance of the term to which they were elected or appointed. If there were five judges in the 68th District at the time of the consolidation, the fifth division would have five judges. The fifth division would have four judges beginning on the date on which a vacancy occurred in the office of district judge in the division, unless the vacancy occurred after a judge's successor in office had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the fifth division no longer sought election or re-election to that office, whichever was earlier.

If there were four judges in the 68th District at the time of consolidation, the fifth division would have four judges.

The Genesee County clerk and the city clerk of Flint would have to file copies of the resolutions with the State Court Administrator, who would have to notify the elections division of the Department of State that the consolidation had been approved.

For at least two years after the bill's effective date, the governing body of Genesee County would have to maintained a court facility in each municipality within the county where a court facility existed on that date. The county could maintain court facilities in any municipality within the county after the two-year period.

The bill specifies that, by proposing and authorizing the consolidation of the 67th and 68th Districts, the Legislature would not create a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approved the consolidation, the approval would constitute an exercise of the unit's option to increase the level of activity and services offered in that district control unit beyond that required by existing law and a voluntary acceptance by that district control unit of all expenses and capital improvements that could result from the consolidation. The exercise of the option would not affect the State's obligation to pay the same portion of each judge's salary that is paid by the State to other district judges, or to appropriate and disburse funds to the district control unit for the necessary costs of State requirements established by law that became effective on or after December 23, 1978.

The bill specifies that Section 8177 would not apply to the consolidation of the 67th and 68th Districts.

(Under Section 8177, consolidation of a district of the third class with a district of the second class may not take effect unless approved by the local district control units in each of the two districts. A district of the third class is a district consisting of one or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision, except as otherwise provided in the RJA. A district of the second class is a district consisting of a group of political subdivisions within a county and in which the county is responsible for maintaining, financing, and operating the district court, except as otherwise provided in the RJA.)

70th District

The 70th Judicial District consists of Saginaw County and is divided into the following election divisions:

- The first division, consisting of the Cities of Saginaw and Zilwaukee and the Townships of Bridgeport, Buena Vista, Carrollton, and Zilwaukee, with three judges.
- The second division, consisting of the rest of Saginaw County, with three judges.

Under the bill, the second division would have two judges. The first division would have two judges, and the second division would have three judges, beginning on the date on which a vacancy occurred in the office of district judge in the first division, unless the vacancy occurred after a judge's successor in office had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the first division no longer sought election or re-election, whichever was earlier. The judgeship transferred from the first division to the second division under the bill would not be considered an additional judgeship for purposes of Section 8175 and could be filled by appointment by the Governor if it were the result of a vacancy in the first division.

MCL 600.517 (H.B. 5121)
600.507 (H.B. 5122)
600.518 & 600.8121 (H.B. 5123)

Legislative Analyst: Patrick Affholter

600.504 (H.B. 5124)
600.8130 et al. (H.B. 5125)

FISCAL IMPACT

The bills would result in a net increase of two circuit court judgeships in Macomb County, a net increase of one circuit court judgeship in Oakland County, a net increase of one circuit court judge in Kent County, and net decrease of four circuit court judgeships in Wayne County.

Effectively, there would not be a net increase in the overall number of circuit court judgeships.

Each circuit court judgeship has a cost to the State of \$158,792 (of which \$139,920 is salary, \$9,078 is payroll taxes, and \$9,794 is retirement costs). The local court system pays for the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local circuit courts differ by location.

Pending local approval, the bills would result in: a consolidation of the 18th and 29th districts with no net change in district court judgeships, a consolidation of the 27th and 28th districts with no net change in district court judgeships, and a consolidation of the 67th and 68th districts with no net change in district court judgeships.

Additionally, the bills would provide for the addition of a judgeship in the 63rd district and would abolish a judgeship in the 70th district.

Effectively, there would be no net increase in the overall number of district court judgeships.

Each district court judgeship has a cost to the State of \$157,003 (of which \$138,270 is salary, \$9,054 is payroll taxes, and \$9,679 is retirement costs). The local court system covers the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local district courts differ by location.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.